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Written statement* submitted by Scottish Human Rights Commission

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 June 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Scottish Human Rights Commission (SHRC) is the national human rights institution (NHRI) for Scotland, accredited with A status by the International Coordinating Committee of NHRIs. SHRC was established by an Act of the Scottish Parliament. It has a general duty to promote awareness, understanding and respect for all human rights and to encourage best practice, including through education, training and awareness raising, and by publishing research. SHRC also has a number of powers including:

-The power to conduct inquiries into the policies or practices of Scottish public authorities.

-Recommending such changes to Scottish law, policy and practice as it considers necessary.

-The power to enter some places of detention as part of an inquiry.

-The power to intervene in some civil court cases.

SHRC is one of the three NHRIs in the UK and currently chairs the European Network of NHRIs. SHRC is a member of the UK's National Preventive Mechanism (NPM) designated in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Introduction

SHRC welcomes the opportunity to provide an update to OEIWG on our work and current progress on the area of Business and Human Rights in Scotland, in particular in relation to the development of a National Action Plan on Business and Human Rights to implement the UN Guiding Principles on Business and Human Rights and raise awareness among Scottish companies of their human rights responsibilities.

Scottish Context

Scotland's National Action Plan for Human Rights (SNAP) is a "roadmap for the progressive realisation of international human rights in Scotland". Currently in its second year of implementation, it has been facilitated by the Scottish Human Rights Commission in partnership with a broad range of public and third sector partners, including Government, public bodies, umbrella organisations and civil society organisations. SNAP's vision is of a Scotland in which everyone is able to live with human dignity. It coordinates action by a wide range of public bodies and voluntary organisations towards achieving this vision, which is underpinned by agreed outcomes, priorities and a process for working together between 2013- 2017.

Under Outcome 3: Better World, SNAP contains a number of priorities including, exploring the benefits for further incorporation of human rights treaties into the law of Scotland, implementing international obligations, commitment to climate justice, and creating a coordinated plan of action to implement the UN guiding principles on Business and Human Rights.

Development of a National Action Plan on Business and Human Rights

Through its broad engagement with SNAP, the Scottish Government has committed to developing a national action plan to implement the UN Guiding Principles on Business and Human Rights and raise awareness among Scottish companies of their human rights responsibilities.

Earlier this year, SHRC together with the Scottish Government and civil society agreed on a process for the development of the action plan, which will consist of three stages:

1. Development of a National Baseline Assessment (NBA), which is broad yet careful and systematic evaluation of a State's current implementation of the United Nations Guiding Principles, based on an inclusive and transparent process which will inform and underpin the development of the action plan.

2. Drafting and finalisation of the National Action Plan on Business and Human Rights, which will identify gaps and priorities, as well as setting out how the action plan will be implemented and monitored.

3. Monitoring and reviewing the Action Plan based on relevant indicators to ensure we learn and share the lessons internationally.

Progress to Date

In May 2015 the Scottish Government issued an invitation to tender for the NBA. The NBA will provide an understanding of the current position in Scotland with respect to our approach to the UNGPs, and support the identification of potential gaps in practice, helping partners to understand existing good practice in approach to the UNGPs by the business community. The invitation to tender is available at the Public Contracts Scotland website.

The contractor is scheduled to be appointed on 1 July 2015 and the NAP drafting process will begin in Autumn 2015.

Example of other related work under SNAP

As part of SNAP, SHRC worked with the Glasgow 2014 Commonwealth Games, and other partners, to develop and adopt a human rights policy. Building on over a year of collaboration with the Commission, the Glasgow Games Organising Committee has, for the first time in over 80 years of Commonwealth Games history, adopted a human rights policy for the Games. The policy sets out how human rights have been, and will be protected and promoted in the preparation and delivery of the Glasgow Games. This document includes a procurement sustainability policy for the Games. This make the Glasgow Games an example for others to follow internationally.

The Commission is currently engaged with the Scottish Government and the Equality and Human Rights Commission (SHRC) in developing national guidelines that give proper consideration to human rights standards during the procurement process.